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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,873

04/21/2006

David Bladsjo

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7590

03/19/2008

NIXON & VANDERHYE, PC

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EXAMINER

BATISTA, MARCOS

ART UNIT

PAPER NUMBER

4134

MAIL DATE

DELIVERY MODE

03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,873

Applicant(s)

BLADSJO ET AL.

Examiner

MARCOS BATISTA

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4134

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 30-58 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04/21/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 04/21/2006, 08/02/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 32 and 50 are objected to because of the following informalities: The word "poUing" is mis-spelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 30-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Rinchiuso et al. (US 20040196861 A1).

Consider claims 30, 40, 44, 50, 51 and 56, Rinchiuso discloses a method of polling in a packet-based data communications system, said communications system comprising a base station system (100) polling connected user equipment (113) wherein said polling is performed according to: a first type of polling allowing said user equipment to choose whether or not to transmit a user data packet to the base station

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system in response to reception of polling of the first type (see [0022], [0025], [0056] – As explained in [0022], the polling illustration is done from the base station to the remote unit, but the same can be performed from the remote unit to the base station in a similar manner. So the remote unit enters a suspended state monitoring the paging channel for polling from the base station. This is consistence with a first type of polling). Rinchiuso also teaches a complementary second type of polling requiring the user equipment to transmit a user data packet or a dummy data packet to the base station system in response to reception of polling of the second type (see fig. 11, [0025], [0057] – Corresponding to a second type of polling, the base station 100 requires the remote unit 113 to send a dummy data if no data is available to keep the channel up).

Consider claims 31, 41 and 46, Rinchiuso teaches base station system performs polling according to the first type on a first logical channel, and performs polling according to the complementary second type on a second logical channel (see fig. 7, [0049] – The base station assigned logical channels for polling and control purposes LLC)

Consider claims 32, 42, 47, 52 and 55, Rinchiuso teaches the base station system transmits polling information to said user equipment, said information enabling the user equipment to identify the polling type of the received polling (see [0022], [0057] – In [0022], the remote unit is in a suspended state listening to polling request from the base station, but the remote units is taking no action if not data is to be transmitted. In

[0056], the remote unit will transmit a dummy block if not data is available on a response to a polling request from the base station. The above mentioned procedures allow the remote unit to distinguish between one type of polling and the other).

Consider claims 33, 43 and 48, Rinchiuso teaches polling information from the base station system is based on a current radio traffic situation in the communication system (see [0056], [0057] – The base station periodically polls the remote unit to check on transmission status).

Consider claim 34, Rinchiuso teaches first type comprises polling with an upstate flag and said second type comprises polling with a control block (see [0022], [0057] – In [0022], the remote unit is in a suspended state listening to polling request from the base station, but taking no action is not data is to be transmitted. In [0056], the remote unit will transmit a dummy block if not data is available on a response to a polling request from the base station. The above mentioned procedures allow the remote unit to distinguish between one type of polling and the other).

Consider claims 35, 49 and 58, Rinchiuso teaches the communications system is selected from at least one of: a General Packet Radio Service (GPRS) communication system, an Enhanced GPRS (EGPRS) communication system, a GPRS Enhanced Data rates for GSM (Global System for Mobile communications) Evolution (EDGE) communications system, a Wideband Code Division Multiple Access (W-CDMA)

communications system, a CDMA2000 communications system, a Wireless Local Area Network (W-LAN) communications system (see [0019]).

Consider claim 36, Rinchiuso teaches wherein said user equipment in response to reception of said polling of the second type transmits a user data packet to the base station system if said user data packet is available for transmission in the user equipment, otherwise the user equipment transmits the dummy data packet (see fig. 11, [0056]).

Consider claim 37, Rinchiuso teaches wherein said user data packet comprises user payload data and said dummy data packet comprises data enabling the base station system to identify the user equipment (see fig. 11, [0056], [0057] – Whenever a remote unit communicates with a base station in a packet-data system, the data sent from the remote unit contains the id of the remote unit).

Consider claim 38, Rinchiuso teaches wherein said user equipment in response to reception of said polling of type one shall send a user data packet to the base station system if said user data packet is available for transmission in the user equipment (see [0025] – the remote unit enters a suspended state monitoring the paging channel for polling from the base station and transmit data only when the data is available).

Consider claim 39, Rinchiuso teaches wherein said user equipment in response to reception of said polling of type one shall send no data packet, neither user data packet nor a dummy data packet to the base station system if said user data packet is not available for transmission in the user equipment (see [0025] – the remote unit enters a suspended state monitoring the paging channel for polling from the base station and transmit data only when the data is available, otherwise, it remains in the suspended state).

Consider claims 45 and 57, Rinchiuso teaches wherein said base station system comprises third means adapted for analyzing the current radio traffic situation in the communications system and for determining which type of polling to transmit (see fig. 6, [0046] – The base station can use a data limit as a third means for using another polling type).

Consider claim 53, Rinchiuso teaches wherein said equipment further comprises a buffer unit for storing user data packets awaiting transmission. (see [0022], [0031] – As explained in [0022], the polling illustration is done from the base station to the remote unit, but the same can be performed from the remote unit to the base station in a similar manner. The buffer shown in [0031] would correspond to the remote unit when the remote unit is transmitting the data).

Consider claim 54, Rinchiuso teaches wherein said first means and said second means are adapted to check if there are any user data packets in the buffer in response

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to polling from the base station system (see [0031], [0056] - The base station will periodically give the remote unit a chance to transmit data. This means that the remote unit will transmit any available data (buffered or current) to the base station on polling request from the base station).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lun-Yi Lao can be reached at (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Marcos Batista
/M. B./
03/06/2008

Application/Control Number: 10/576,873

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/Lun-Yi Lao/

Supervisory Patent Examiner, Art Unit 4134